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09/829,189	04/09/2001	John S. Moore	067808:0118	9213

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EXAMINER

CHUNG, DANIEL J

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/829,189

Applicant(s)

MOORE, JOHN S.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 2,3,5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

Claims 1-10 are presented for examination. This office action is in response to the amendment filed on 9-22-2003.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor et al (5,638,499).

Regarding claim 1, O'Connor et al discloses that the claimed feature of a method for rendering an image layer scene, comprising the steps of: (a) defining a scene of image layer elements [i.e. "object 1", "object 2"]; (See Fig 14, col 9 line 47-50) (b) rendering full in a computer the elements of the image layer scene over a full black background to obtain color components for each pixel of the image layer scene rendered over full black; (See Fig 14, Fig 15, Fig 23(2), col 9 line 51-64, col 10 line 13- col 11 line 31) (c) rendering in a computer the elements of the image layer scene over a full white background to obtain color components for each pixel of the image layer scene rendered over full white; (See Fig 14, Fig 15, Fig 23(2), col 9 line 51-64, col 10

line 13-col 11 line 31) and (d) combining the color components for each pixel of the image layer scene rendered over full black with the color components for each corresponding pixel of the image layer scene rendered over full white to form the rendered image layer scene. (See Fig 14, Fig 23(2), col 9 line 65-col 10 line 2)

Regarding claim 4, refer to the discussion for the claim 1 hereinabove, Kay et al discloses that the claimed feature of a method for rendering a multi-layer image, comprising the steps of: (a) rendering a background image layer [i.e. "object 3", "photo 5"]; (b) saving the background image layer; (See Fig 14) (c) creating a foreground image layer scene of foreground image layer elements [i.e. "object 1", "object 2"]; (See Fig 14, col 9 line 47-50) (d) rendering in a computer the elements of the foreground image layer scene over a full black background to obtain color components for each pixel of the foreground image layer scene rendered over full black; (See Fig 14, Fig 15, Fig 23(2), col 9 line 51-64, col 10 line 13-col 11 line 31) (e) rendering in a computer the elements of the foreground image layer scene over a full white background to obtain color components for each pixel of the foreground image layer scene rendered over full white; (See Fig 14, Fig 15, Fig 23(2), col 9 line 51-64, col 10 line 13-col 11 line 31) (f) combining the color components for each pixel of the foreground image layer scene rendered over full black with the color components for each corresponding pixel of the foreground image layer scene rendered over full white to form a rendered foreground image layer (See Fig 14, Fig 23(2), col 9 line 65-col 10 line 2), and (g) compositing the

background image layer and the foreground image layer to form a multi-layer image.

(See Fig 14, col 10 line 2-9)

Regarding claim 7, O'Connor et al discloses that the steps of providing a third image layer and compositing the background image layer, the foreground image layer, and the third image layer to form a multi-layer image ["multi-layer model" in col 6 line 49] with the third image layer appearing between the background image layer and the foreground image layer in the composited multi-layer image. (See Fig 1-3, Fig 14)

Regarding claim 8, O'Connor et al discloses that the step of rendering a background image layer includes the step of rendering an RGB background image layer. [i.e. "object 3 image preparation", "photo 5" in Fig 14]

Regarding claims 9-10, O'Connor et al discloses that the color components are RGB color components. (See Fig 14, Fig 18, Fig 23(2))

### ***Allowable Subject Matter***

Claims 2-3 and 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed to a method for rendering an image layer scene. The above identified claims include the uniquely distinct features "the step of combining the color components for each pixel of the image layer scene rendered over full black with the color components for each corresponding pixel of the image layer scene rendered over full white includes the steps of, for each corresponding pixel of the image layer scenes rendered over full black and full white; (a) determining an alpha value for the pixel as one plus the value of a single color component of the pixel from the image layer scene rendered over full black minus the value of the same color component of the corresponding pixel from the image layer scene rendered over full white (b) setting all of the color component values of the pixel to zero if the alpha value for the pixel equals zero; (c) otherwise setting the color component values of the pixel to the corresponding color component values of the corresponding pixel from the image layer scene rendered over full black divided by the alpha value for the pixel". The closest prior art, O'Connor et al (US 5,638,499) discloses an image composition system, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

### ***Response to Arguments/Amendments***

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc  
December 8, 2003



**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**